

INDIANA PUBLIC DEFENDER COMMISSION MEETING MINUTES

June 16, 2005

The meeting commenced at 3:10 p.m. Present were: Chairman Norman Lefstein and Commission members Susan Carpenter, Les Duvall, Bettye Lou Jerrel, Sen. Ralph Foley, Sen. Timothy Lanane, Rebecca McClure, and Monica Foster. Absent were: Commission members Hon. Daniel Donahue, Sen. Joseph Zakas, and Rep. Bob Kuzman. Also in attendance were Larry Landis of the Indiana Public Defender Council and Bob Borgmann, Staff Counsel, and Mike Murphy, Assistant Staff Counsel for the Commission.

1. Chairman Lefstein began the meeting by introducing Mike Murphy Assistant Staff Counsel for the Commission, who began work in May 2005. Prior to being hire as assistant Staff Counsel, Mike had been with the Marion County Public Defender Agency for 7 years. Chairman Lefstein also announced that Bob Borgmann is resigning from his position as Staff Counsel, effective in August. Bob's wife has accepted a school administrator's position in Greensboro, North Carolina, and Bob and his family will be moving there this summer.
2. Chairman Lefstein next indicated that Commission records show that terms of three Commission members expire in 2005. Sen. Lanane's term expires 6-17-05; Susan Carpenter's, 6-30-05; and Bettye Lou Jerrel's, 11-16-05. Chairman Lefstein asked the members to contact their respective appointing bodies concerning possible reappointment. Chairman Lefstein indicated that he would also be willing to contact the appointing bodies concerning reappointment of the members.
3. The Commission next reviewed and approved the Minutes from the April 5, 2005 meeting.
4. The Commissioners next considered and approved capital reimbursements as follows:

INDIANA PUBLIC DEFENDER COMMISSION

Reimbursements in Capital Cases		
June 16, 2005		
COUNTY	DEFENDANT	TOTAL
Delaware	Verner	\$16,907.83
Lake	Aki-Khuam	\$8,873.25
	Britt	\$7,945.00
	Jeter	\$13,328.05
	Maust*	\$29,537.57
	Roche	\$9,941.03
Madison	Baer	\$18,671.21
Marion	Barker	\$598.70

	Bomani		\$787.50
	Covington		\$14,757.88
	Dye		\$24,234.12
	Holland**		\$19,209.44
	Holland***		\$19,296.80
Morgan	Pruitt		\$6,693.78
Spencer	Ward		\$711.48
TOTAL			\$191,493.64

Monica Foster abstained from voting because the reimbursement of costs for defense services in a case in which she is involved was being considered.

5. The Commission considered reimbursement for non-capital claims in the following amounts:

Indiana Public Defender Commission

Reimbursement in Non-capital Cases--UPDATED June 20, 2005

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUST'D EXPEND.	40% REIMB.
ADAMS	1/1/05 – 3/31/05	\$35,509.27	-\$358.27	\$35,867.54	\$14,347.02
ALLEN	1/1/05 – 3/31/05	\$697,169.20	\$0.00	\$697,169.20	\$278,867.68
BLACKFORD(4Q4)	10/1/04 - 12/31/04	\$18,547.07	\$0.00	\$18,547.07	\$7,418.83
BLACKFORD	1/01/05 - 3/31/05	\$10,449.00	\$0.00	\$10,449.00	\$4,179.60
CARROLL	1/1/05 - 3/31/05	\$24,927.93	\$0.00	\$24,927.93	\$9,971.17
CLARK	1/1/05 - 3/31/05	\$95,786.05	\$2,705.82	\$93,080.23	\$37,232.09
DECATUR	1/1/05 - 3/31/05	\$33,281.90	\$14,263.67	\$19,018.23	\$7,607.29
FAYETTE	1/1/05 - 3/31/05	\$55,986.17	\$0.00	\$55,986.17	\$22,394.47
FLOYD	1/1/05 - 3/31/05	\$98,126.14	\$0.00	\$98,126.14	\$39,250.46
FOUNTAIN	1/1/05 - 3/31/05	\$10,749.46	\$0.00	\$10,749.46	\$4,299.78
FULTON(4Q4)	10/1/04 - 12/31/04	\$42,801.25	\$11,398.39	\$31,402.86	\$12,561.14
FULTON	1/1/05 - 3/31/05	\$39,304.82	\$13,526.98	\$25,777.84	\$10,311.14
GRANT	1/1/05 - 3/31/05	\$208,165.00	\$14,389.29	\$193,775.71	\$77,510.28
GREENE	1/1/05 - 3/31/05	\$44,772.56	\$0.00	\$44,772.56	\$17,909.02
HANCOCK	1/1/05 - 3/31/05	\$68,743.90	\$0.00	\$68,743.90	\$27,497.56
HENRY	1/1/05 - 3/31/05	\$48,959.00	\$0.00	\$48,959.00	\$19,583.60
JASPER	1/1/05 - 3/31/05	\$22,552.96	\$7,032.64	\$15,520.32	\$6,208.13
JAY	1/1/05 - 3/31/05	\$63,576.02	\$7,279.70	\$56,296.32	\$22,518.53
KNOX	1/1/05 - 3/31/05	\$135,881.45	\$31,247.24	\$104,634.21	\$41,853.68
KOSCIUSKO	1/1/05 - 3/31/05	\$69,204.78	\$0.00	\$69,204.78	\$27,681.91
LAKE	1/1/05 - 3/31/05	\$759,414.05	\$0.00	\$759,414.05	\$303,765.62
LAPORTE	1/1/05 - 3/31/05	\$90,888.75	\$0.00	\$90,888.75	\$36,355.50

MADISON	1/1/05 - 3/31/05	\$380,196.72	\$732.56	\$379,464.16	\$151,785.66
MARION	1/1/05 - 3/31/05	\$1,869,487.40	\$30,006.50	\$1,839,480.90	\$735,792.36
MIAMI	1/1/05 - 3/31/05	\$81,332.67	\$14,523.69	\$66,808.98	\$26,723.59
MONROE	1/1/05 - 3/31/05	\$170,916.00	\$2,853.88	\$168,062.12	\$67,224.85
MONTGOMERY	1/1/05 - 3/31/05	\$60,917.56	\$22,336.44	\$38,581.12	\$15,432.45
NOBLE	1/1/05 - 3/31/05	\$57,959.50	\$0.00	\$57,959.50	\$23,183.80
OHIO	1/1/05 - 3/31/05	\$11,828.07	\$2,595.38	\$9,232.69	\$3,693.08
ORANGE	1/1/05 - 3/31/05	\$73,067.06	\$0.00	\$73,067.06	\$29,226.82
PARKE	1/1/05 - 3/31/05	\$14,948.58	\$0.00	\$14,948.58	\$5,979.43
PERRY	1/1/05 - 3/31/05	\$45,827.46	\$0.00	\$45,827.46	\$18,330.98
PULASKI	1/1/05 - 3/31/05	\$29,168.82	\$8,748.93	\$20,419.89	\$8,167.96
RUSH	1/1/05 - 3/31/05	\$29,385.71	\$4,668.95	\$24,716.76	\$9,886.70
SCOTT	1/1/05 - 3/31/05	\$47,765.44	\$8,711.94	\$39,053.50	\$15,621.40
SHELBY	1/1/05 - 3/31/05	\$49,732.89	\$0.00	\$49,732.89	\$19,893.16
SPENCER	1/1/05 - 3/31/05	\$28,669.80	\$0.00	\$28,669.80	\$11,467.92
STEUBEN	1/1/05 - 3/31/05	\$74,214.03	\$21,439.16	\$52,774.87	\$21,109.95
SWITZERLAND	1/1/05 - 3/31/05	\$30,142.88	\$0.00	\$30,142.88	\$12,057.15
TIPPECANOE	1/1/05 - 3/31/05	\$142,651.35	\$25,396.26	\$117,255.09	\$46,902.04
VERMILLION	1/1/05 - 3/31/05	\$17,416.79	\$2,081.25	\$15,335.54	\$6,134.22
VANDEBURGH	1/1/05 - 3/31/05	\$337,519.47	\$0.00	\$337,519.47	\$135,007.79
VIGO	1/1/05 - 3/31/05	\$269,253.16	\$48,217.04	\$221,036.12	\$88,414.45
WARREN	1/1/05 - 3/31/05	\$6,618.00	\$0.00	\$6,618.00	\$2,647.20
WASHINGTON	1/1/05 - 3/31/05	\$56,488.72	\$11,129.75	\$45,358.97	\$18,143.59
TOTAL		\$6,560,304.81	\$304,927.19	\$6,255,377.62	\$2,502,151.05

Rep. Foley noted apparent inconsistencies between amounts claim in county request submissions and the recommended reimbursement summary prepared by Staff. Bob Borgmann explained that the amounts differed because of certain adjustments made to requested reimbursement amounts. Bob Borgmann stated that he and Mike Murphy would update the recommended reimbursement summary and correct any inconsistencies. It was also noted that Blackford and Fulton counties had submitted reimbursement claims for both the fourth quarter of the calendar year 2004 and the first quarter of the calendar year 2005. The Commission discussed its guideline that requests for reimbursement shall be submitted within forty-five days after the end of the calendar quarter. The Commission approved waiving this guideline for both Blackford and Fulton County. The Commission asked Commission staff to prepare a proposed guideline, to be considered at the next Commission meeting, regarding a standardized penalty for late requests.

The Commission approved payment of reimbursements claims as recommended, subject to any corrections made on the updated reimbursement summary.

6. In follow-up to questions raised at the Commission meeting on April 5, 2005 regarding Kosciusko County's request for reimbursement of defense costs incurred in the Jason Ryan non-capital murder case, Mike Murphy reported on the information he received from Kosciusko County concerning the extent of defense services and payment of the cost of those services. The Commission considered no further action necessary.
7. The Commission next discussed the raise in judges' salaries and the impact this will have for public defenders. Commission standards require compensation for public defenders to be "substantially comparable" to that for county prosecutors, and Commission guidelines provide that for chief public defenders "substantially comparable" shall mean "not less than 90%." Under IC 33-39-76-5, annual salaries of county prosecutors are directly linked to the judges' salaries; therefore, the judicial pay raise will require counties to increase the compensation for chief public defenders. To lessen the impact on county budgets, the Commission approved a motion allowing counties to phase-in the increase of chief public defender salaries over two years. Counties will be required to pay 50% of the increase beginning January 1, 2006 and the remainder of the increase beginning January 1, 2007. A letter will be sent to the counties notifying them of this guideline.
8. The Commission next considered the Amended Comprehensive Plan submitted by Vigo County. Several Commission members questioned Vigo County's provision to pay a per diem to public defenders, in addition to their standard compensation, for the trial of indigent cases. The Commission tabled further consideration of the Amended Comprehensive Plan until next meeting and requested that a letter be sent to Vigo County officials, inviting them to attend the next Commission meeting.
9. The next regular meeting of the Commission was scheduled for September 16, 2005 at 3:00 p.m.
10. The meeting was adjourned at 4:55 p.m.

Norman Lefstein, Chairman

Date